

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARK S. FRAZIER**  
*Plaintiff*

v.

**CITY OF PHILADELPHIA and  
COMMONWEALTH OF PENNSYLVANIA**  
*Defendants*

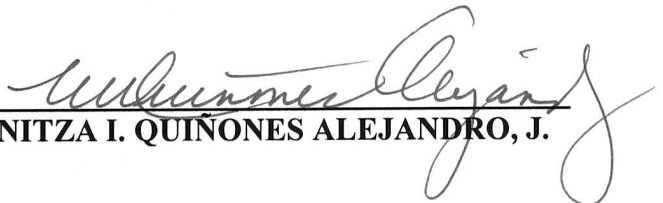
: **CIVIL ACTION**  
:  
: **NO. 14-00756**  
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**ORDER**

**AND NOW**, this 29<sup>th</sup> day of May 2014, upon consideration of Defendant City of Philadelphia's *motion to dismiss for failure to state a claim* [ECF 18], and Plaintiff's response in opposition thereto [ECF 24], consistent with the memorandum opinion filed on this day, it is hereby **ORDERED** that Defendant's motion is **GRANTED** and this matter is dismissed.

Further, Plaintiff is granted leave to file an amended complaint within twenty (20) days of the date of this Order. Failure to do so will result in this matter being dismissed with prejudice.

**BY THE COURT:**

  
**NITZA I. QUINONES ALEJANDRO, J.**